

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1401

AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-13-16.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter:

"Commission" refers to the governor's commission on minority **and women's business development enterprises** established under section 2 of this chapter.

"Commissioner" refers to the deputy commissioner for minority **and women's business development enterprises** of the department. ~~of administration.~~

"Contract" means any contract awarded by a state agency for construction projects or the procurement of goods or services, including professional services.

"Department" refers to the Indiana department of administration established by IC 4-13-1-2.

"Minority business enterprise" or "minority business" means an individual, partnership, corporation, limited liability company, or joint venture of any kind that is owned and controlled by one (1) or more persons who are:

- (1) United States citizens; and
- (2) members of a ~~racial~~ minority group.

"Owned and controlled" means having:

- (1) ownership of at least fifty-one percent (51%) of the enterprise,



- including corporate stock of a corporation;
- (2) control over the management and active in the day-to-day operations of the business; and
- (3) an interest in the capital, assets, and profits and losses of the business proportionate to the percentage of ownership.

~~"Racial~~ "Minority group" means:

- (1) Blacks;
- (2) American Indians;
- (3) Hispanics;
- (4) Asian Americans; and
- (5) other similar ~~racial~~ minority groups, **as defined by 13 CFR 124.103.**

"State agency" refers to **any of the following:**

- (1) An authority, board, branch, commission, committee, department, division, or other instrumentality of the executive, including the administrative, department of state government.
- (2) **An entity established by the general assembly as a body corporate and politic.**
- (3) **A state educational institution.**

The term does not include the state lottery commission or the Indiana gaming commission with respect to setting and enforcing goals for awarding contracts to minority and women's business enterprises.

SECTION 2. IC 4-13-16.5-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.1. A reference to a federal statute or regulation in this chapter is a reference to the statute or regulation as in effect January 1, 2001.**

SECTION 3. IC 4-13-16.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.3. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:**

- (1) **A sole proprietorship owned and controlled by a woman.**
- (2) **A partnership or joint venture owned and controlled by women in which:**
 - (A) **at least fifty-one percent (51%) of the ownership is held by women; and**
 - (B) **the management and daily business operations of which are controlled by at least one (1) of the women who owns the business.**
- (3) **A corporation or other entity:**



(A) whose management and daily business operations are controlled by at least one (1) of the women who owns the business; and

(B) that is at least fifty-one percent (51%) owned by women, or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women.

SECTION 4. IC 4-13-16.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) There is established a ~~fourteen (14) member~~ governor's commission on minority **and women's business development enterprises**. The commission shall consist of the following members:

(1) A governor's designee, who shall serve as chairman of the commission.

(2) The commissioner of the Indiana department of transportation.

(3) The director of the department of commerce.

(4) The commissioner of the ~~Indiana~~ department of ~~administration~~.

(5) Six (6) individuals with demonstrated capabilities in business and industry, especially ~~racial~~ minority **and women's business enterprises**, appointed by the governor from the following geographical areas of the state:

(A) Two (2) from the northern one-third (1/3) of the state.

(B) Two (2) from the central one-third (1/3) of the state.

(C) Two (2) from the southern one-third (1/3) of the state.

(6) Two (2) members of the house of representatives, no more than one (1) from the same political party, appointed by the speaker of the house of representatives to serve in a nonvoting advisory capacity.

(7) Two (2) members of the senate, no more than one (1) from the same political party, appointed by the president pro tempore of the senate to serve in a nonvoting advisory capacity.

~~No~~ **Not** more than four (4) of the seven (7) members appointed or designated by the governor may be of the same political party. Appointed members of the commission shall serve four (4) year terms. A vacancy occurs if a legislative member leaves office for any reason. Any vacancy on the commission shall be filled in the same manner as the original appointment.

(b) Each member of the commission who is not a state employee is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses and other expenses

C
o
p
y



actually incurred in connection with the member's duties as provided under IC 4-13-1-4 and in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each legislative member of the commission is entitled to receive the same per diem, mileage, and travel allowances established by the legislative council and paid to members of the general assembly serving on interim study committees. The allowances specified in this subsection shall be paid by the legislative services agency from the amounts appropriated for that purpose.

(d) A member of the commission who is a state employee but who is not a member of the general assembly is not entitled to any of the following:

- (1) The minimum salary per diem provided by IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties.

(e) The commission shall meet at least four (4) times each year and at other times as the chairman deems necessary.

(f) The duties of the commission shall include but not be limited to the following:

- (1) Identify minority **businesses and women's business enterprises** in the state.
- (2) Assess the needs of minority **businesses and women's business enterprises**.
- (3) Initiate aggressive programs to assist minority **businesses and women's business enterprises** in obtaining state contracts.
- (4) Give special publicity to procurement, bidding, and qualifying procedures.
- (5) Include minority **businesses and women's business enterprises** on solicitation mailing lists.
- (6) Define the duties, goals, and objectives of the deputy commissioner of the department of ~~administration~~ as created under this chapter to assure compliance by all state agencies with state and federal legislation and policy concerning the awarding of contracts to minority **businesses and women's business enterprises**.
- (7) Establish ~~as a goal that at least five percent (5%) of state contracts be let to racial minority businesses:~~ **annual goals:**
 - (A) **for the use of minority and women's business enterprises; and**



(B) derived from a statistical analysis of utilization study of state contracts that are required to be updated every five (5) years.

(8) Prepare a review of the commission and the various affected departments of government to be submitted to the governor and the legislative council on March 1 and October 1 of each year, evaluating progress made in the areas defined in this subsection.

(g) The department shall develop size standards based on 13 CFR 121.

(h) The department shall adopt rules of ethics under IC 4-22-2 for commission members other than commission members appointed under subsection (a)(6) or (a)(7).

(i) The department ~~of administration~~ shall furnish administrative support and staff as is necessary for the effective operation of the commission.

SECTION 5. IC 4-13-16.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) There is created in the ~~Indiana~~ department ~~of administration~~ a deputy commissioner for minority **and women's** business **enterprise** development. Upon consultation with the commission, the commissioner of the ~~Indiana~~ department, ~~of administration~~ with the approval of the governor, shall appoint an individual who possesses demonstrated capability in business or industry, especially in ~~racial~~ minority **or women's** business **enterprises**, to serve as deputy commissioner to work with the commission in the implementation of this chapter.

(b) The **deputy** commissioner shall do the following:

- (1) Identify and certify minority **and women's** business enterprises for state projects.
- (2) Establish a central certification file.
- (3) Periodically update the certification status of each minority **or women's** business enterprise.
- (4) Monitor the progress in achieving the ~~goal~~ **goals** established under section 2(f)(7) of this chapter.
- (5) Require state agencies to report on planned and actual participation of minority **and women's** business enterprises in contracts awarded by state agencies. The commissioner may exclude from the reports uncertified minority **and women's** business enterprises.
- (6) Determine and define opportunities for minority **and women's** business participation in contracts awarded by state agencies.
- (7) Implement programs initiated by the commission under section 2 of this chapter.

C
o
p
y



(8) Perform other duties as defined by the commission or by the commissioner of the ~~Indiana department of administration~~.

SECTION 6. IC 4-13-16.5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 4. (a) Before January 1 of even-numbered years, the department shall determine whether, during the most recently completed two (2) year period ending the previous July 1, the goals set under section 2(f)(7) of this chapter have been met.**

(b) The department shall adopt rules under IC 4-22-2 to ensure that the goals set under section 2(f)(7) of this chapter are met. The rules adopted by the department must provide that if a business qualifies as both a minority business enterprise and a women's business enterprise, a contract awarded to the business is considered awarded to a minority business enterprise.

SECTION 7. IC 4-13.5-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 8. (a) The commission may employ architects, engineers, space planners, construction managers, and other professional persons it considers necessary to prepare complete plans and specifications necessary for bidding for construction. The commission shall consider economy of operation to the extent practicable in preparing and approving plans and specifications.**

(b) The plans and specifications shall be presented for approval to:

- (1) the department;**
- (2) if the facility is designed to house the supreme court or court of appeals, the administrator of the supreme court for approval by the courts; and**
- (3) if the facility is a correctional facility, the department of correction.**

(c) After the plans and specifications have been approved by the commission under subsection (b), the commission shall advertise for and receive construction bids and award contracts to the best bidders in the same manner as required by law for the department.

(d) With regard to participation by minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3), the commission shall act in the same manner as required by law for the department.

SECTION 8. IC 4-30-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2. In construing this article, it is the intent of the general assembly that the following policies be carried out:**

- (1) That the lottery games be operated by the state lottery commission, which is created by IC 4-30-3 as a separate body**

C
o
p
y



politic and corporate from state government and should function as much as possible as an entrepreneurial business enterprise.

(2) That the general assembly recognizes that the operation of a lottery is a unique activity for state government and that policies and procedures appropriate for the performance of other governmental functions are not necessarily appropriate for the operation of a lottery.

(3) That the lottery games be operated as a self-supporting revenue raising operation.

(4) That the commission be accountable to the general assembly and the people of Indiana through a system of audits and reports and by complying with financial disclosure, open meetings, and public record laws.

(5) That the commission ensure the equitable participation of ~~racial~~ minorities **and women** in all phases of the lottery, including instant game and on-line retailers and vendors. **The commission shall establish annual goals:**

(A) for the use of minority and women's business enterprises (as defined in IC 4-13-16.5-1 and IC 4-13-16.5-1.3) in construction, professional services, other services, and supplies; and

(B) derived from a statistical analysis of utilization study of lottery contracts that are required to be updated every five (5) years.

The commission shall, in cooperation with the Indiana department of administration, adopt rules under IC 4-22-2 to ensure that the goals set under this subdivision are met.

(6) That lottery game advertising and promotion shall be consistent with the dignity and integrity of the state.

SECTION 9. IC 4-33-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter, "minority" means a ~~person who is one (1) of the following:~~

~~(1) Black;~~

~~(2) Hispanic;~~

~~(3) Asian American;~~

~~(4) Native American or Alaskan native;~~

member of a minority group as defined in IC 4-13-16.5-1.

SECTION 10. IC 4-33-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. As used in this chapter, "minority business enterprise" ~~means a business that is one (1) of the following:~~

~~(1) A sole proprietorship owned and controlled by a minority;~~



C
o
p
y

(2) A partnership or joint venture owned and controlled by minorities:

(A) in which at least fifty-one percent (51%) of the ownership interest is held by at least one (1) minority; and

(B) the management and daily business operations of which are controlled by at least one (1) of the minorities who own the business.

(3) A corporation or other entity:

(A) whose management and daily business operations are controlled by at least one (1) of the minorities who own the business; and

(B) that is at least fifty-one percent (51%) owned by at least one (1) minority; or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) minority.

has the meaning set forth in IC 4-13-16.5-1.

SECTION 11. IC 4-33-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. As used in this chapter, "women's business enterprise" means a business that is one (1) of the following:

(1) A sole proprietorship owned and controlled by a woman:

(2) A partnership or joint venture owned and controlled by women in which:

(A) at least fifty-one percent (51%) of the ownership is held by women; and

(B) the management and daily business operations of which are controlled by at least one (1) of the women who own the business.

(3) A corporation or other entity:

(A) whose management and daily business operations are controlled by at least one (1) of the women who own the business; and

(B) that is at least fifty-one percent (51%) owned by women; or if stock is issued, at least fifty-one percent (51%) of the stock is owned by at least one (1) of the women.

has the meaning set forth in IC 4-13-16.5-1.3.

SECTION 12. IC 4-33-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) As used in this section, "goods and services" does not include the following:

(1) Utilities and taxes.

(2) Financing costs, mortgages, loans, or other debt.

(3) Medical insurance.

(4) Fees and payments to a parent or an affiliated company of the

C
o
p
y



person holding an owner's license, other than fees and payments for goods and services supplied by nonaffiliated persons through an affiliated company for the use or benefit of the person holding the owner's license.

(5) Rents paid for real property or payments constituting the price of an interest in real property as a result of a real estate transaction.

(b) Notwithstanding any law or rule to the contrary, **the commission shall establish annual goals for** a person issued an owner's license: ~~shall establish goals of expending at least:~~

~~(1) ten percent (10%) of the dollar value of the licensee's contracts for goods and services with minority business enterprises; and~~

~~(2) five percent (5%) of the dollar value of the licensee's contracts for goods and services with women's business enterprises.~~

(1) for the use of minority and women's business enterprises; and

(2) derived from a statistical analysis of utilization study of licensee contracts for goods and services that are required to be updated every five (5) years.

A person holding an owner's license shall submit annually to the commission a report that includes the total dollar value of contracts awarded for goods or services and the percentage awarded to minority and women's business enterprises.

(c) A person holding an owner's license shall make a good faith effort to meet the requirements of this section and shall annually demonstrate to the commission that an effort was made to meet the requirements.

(d) A person holding an owner's license may fulfill not more than seventy percent (70%) of an obligation under this chapter by requiring a vendor to set aside a part of a contract for minority or women's business enterprises. Upon request, the licensee shall provide the commission with proof of the amount of the set aside.

SECTION 13. IC 36-1-4-19 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2001]: **Sec. 19. An ordinance of a unit that regulates the parking of motor vehicles is not applicable in Vanderburgh County within the Northwest Quarter of Section 26, Township 6 South, Range 10 West.**

SECTION 14. P.L.208-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: (a) As used in this SECTION, "committee" refers to the Evansville State Hospital



C
o
p
y

advisory committee established by this SECTION.

(b) As used in this SECTION, "hospital" refers to Evansville State Hospital.

(c) The Evansville State Hospital advisory committee is established.

(d) The committee consists of the following members:

(1) ~~Two (2)~~ **All** members of the house of representatives ~~appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party. The members under this subdivision must be appointed so that the representative in whose district the hospital is located must be a member of the committee and so that the other member is a representative whose district includes~~ **districts include** portions of Vanderburgh County.

(2) ~~Two (2)~~ **All** members of the senate ~~appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party. The members under this subdivision must be appointed so that the senator in whose district the hospital is located must be a member of the committee and so that the other member is a senator whose district includes~~ **districts include** portions of Vanderburgh County.

(3) The superintendent of the hospital. The superintendent of the hospital may designate another individual to serve on the committee in the absence of the superintendent.

(4) A member of the legislative body of the municipality in which the hospital is located, who must be the member in whose district the hospital is located.

(5) The head of the parks department of the municipality in which the hospital is located. The head of the parks department may designate another individual to serve on the committee in the absence of the head of the parks department.

(6) An individual representing the Wesselman Woods Nature Preserve board. The board shall notify the legislative services agency and the staff of the committee of the name of the individual representing the board.

(7) An individual appointed by the mayor of the municipality in which the hospital is located. This individual must have a demonstrated interest in and knowledge of historic preservation.

(8) ~~The director of the department of natural resources. The director may designate another individual to serve on the committee in the absence of the director.~~

~~(9)~~ The commissioner of the Indiana department of

C
o
p
y



administration. The commissioner may designate another individual to serve on the committee in the absence of the commissioner.

(9) A member of the legislative body of Vanderburgh county, who must be the member in whose district the hospital is located.

(e) The chairman of the legislative council shall appoint the chair of the committee. After the chair of the committee is appointed, the vice-chairman of the legislative council shall appoint the vice chair of the committee. The chair and the vice chair of the committee may not be members of the same political party.

(f) The committee shall meet at the call of the chair.

(g) The affirmative vote of six (6) members of the committee is necessary for the committee to take any action other than to hear testimony or to adjourn.

(h) Each legislative member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative members on interim study committees established by the legislative council. Other members of the committee are entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. All expenses under this SECTION shall be paid from appropriations made to the legislative services agency.

(i) The committee shall operate under policies and procedures established by the legislative council. However, the division of mental health established under IC 12-21 shall provide staff services to the committee.

(j) The committee shall:

(1) study proposed uses of the hospital property, including proposals for construction of new hospital buildings on the property; and

(2) recommend to the Indiana department of administration and the governor the phase I and phase II grantees to whom the department and the governor may convey phase I or phase II real estate under SECTION 3 of this act.

(k) This subsection does not apply to a transaction or the renewal of a transaction if the transaction was entered into before January 1, 1999, or to a transfer specifically authorized by statute. Before the state may:

(1) sell, lease, or transfer possession of any part of the real property constituting the grounds of the hospital, or make any

C
o
p
y



determination concerning the siting of any new building or related parking facility to be constructed on the grounds of the hospital;
or

(2) enter into an agreement or contract for any transaction described in subdivision (1);

the committee, with the assistance of the division of mental health established under IC 12-21, shall develop a process to consider possible uses or transactions involving property not being used by the hospital for patient services. The process must include input from the community. The committee shall make recommendations to the governor upon completion of the process. The state may not proceed with a proposed use or transaction until the governor responds to the committee's recommendation.

(l) This SECTION expires January 1, 2004.

SECTION 15. [EFFECTIVE JULY 1, 2001] (a) As used in this SECTION, "commissioner" refers to the commissioner of the Indiana department of administration.

(b) As used in this SECTION, "department" refers to the Indiana department of administration created by IC 4-13-1-2.

(c) As used in this SECTION, "phase I grantee" refers to a person designated by the commissioner to be a grantee of the phase I real estate.

(d) As used in this SECTION, "phase II grantee" refers to a person designated by the commissioner to be a grantee of the phase II real estate.

(e) As used in this SECTION, "phase I real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana, and designated by the commissioner under subsection (u) for transfer to a phase I grantee.

(f) As used in this SECTION, "phase II real estate" refers to the real property located in Section 26, Township 6 South, Range 10 West of the Second Principal Meridian, Vanderburgh County, Indiana, owned by the state of Indiana, and designated by the commissioner under subsection (u) for transfer to a phase II grantee.

(g) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey phase I real estate to a phase I grantee. Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the phase I real estate is

C
o
p
y



subject to the following:

- (1) Use of the real estate for educational, cultural, recreational, art, or museum purposes.
- (2) The easement granted under subsection (p).
- (3) Highways, easements, and restrictions of record.

However, no phase I real estate may be used for public or private housing. The main building of the Evansville State Hospital may be used for public or private housing.

(h) The phase I real estate reverts to the state if either of the following applies:

- (1) The phase I real estate is not used for the purposes described in subsection (g)(1).
- (2) Renovation to use the real estate for purposes described in subsection (g)(1) has not begun before July 1, 2002.

(i) The conveyance of phase I real estate must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey phase I real estate to a phase I grantee. The deed must state the conditions and restrictions contained in subsections (g) and (h). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed to the deed.

(j) The phase I grantee shall have the deed to the phase I real estate recorded in Vanderburgh County, Indiana.

(k) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey the phase II real estate to the phase II grantee. Except as provided in this SECTION, the conveyance of the real estate shall be made without consideration. Conveyance of the phase II real estate is subject to the following:

- (1) Use of the real estate for educational, cultural, recreational, art, museum, nonprofit housing, or social services purposes.
- (2) Highways, easements, and restrictions of record.

However, no phase II real estate other than the main building of the Evansville State Hospital may be used for public or private housing.

(l) The phase II real estate reverts to the state if either of the following applies:

- (1) The phase II real estate is not used for the purposes described in subsection (k)(1).
- (2) Substantial work to use the real estate for purposes described in subsection (k)(1) has not begun before two (2)

C
o
p
y



years after the date of the deed conveying the phase II real estate to the phase II grantee.

(m) The conveyance of the phase II real estate may not be made until a new facility for Evansville State Hospital is completed and patients are transferred to the new facility.

(n) The conveyance of phase II real estate must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION. The department shall have a quitclaim deed prepared to convey phase II real estate to a phase II grantee. The deed must state the conditions and restrictions contained in subsections (k) and (l). The commissioner and the governor shall sign the deed, and the seal of the state shall be affixed to the deed.

(o) The phase II grantee shall have the deed to the phase II real estate recorded in Vanderburgh County, Indiana.

(p) The governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to grant an easement through the phase I real estate to the parks department of the city of Evansville for operation of a recreational greenway. The location of the easement on the real estate shall be determined by the department and parks department of the city of Evansville. Except as provided in this SECTION, the grant shall be made without consideration. The easement is subject to highways, other easements, and restrictions of record.

(q) The grant required by subsection (p) expires if the easement is not used for the purposes described in subsection (p). The instrument granting the easement must state the conditions and restrictions contained in subsection (p) and this subsection.

(r) The parks department of the city of Evansville shall have the easement recorded in Vanderburgh County, Indiana.

(s) The easement granted under subsection (p) must comply with IC 4-20.5-7 to the extent that IC 4-20.5-7 does not conflict with this SECTION.

(t) The department shall inform the superintendent of Evansville State Hospital when the conveyances and grant under this SECTION have been completed.

(u) The governor and the commissioner of the department of administration are authorized and directed on behalf of and in the name of the state to convey to a phase I or phase II grantee property described in subsection (e) or (f) except the following property:

Commencing at the northwest corner of the Northeast Quarter of said Section 26; thence along the west line of said

C
o
p
y



quarter section South 01 degrees 07 minutes 41 seconds West 248.92 feet to a point on the southern right-of-way line of State Road 66 (Lloyd Expressway) as described in a Declaration of Departmental transfer recorded in Deed Drawer 1, Card 20807 in the office of the Recorder of Vanderburgh County, Indiana and being the northwest corner of the land described in a deed to the Southwestern Indiana Mental Health Center, Inc. recorded in Deed Drawer 4, Card 3658 in the office of said Recorder and being the POINT OF BEGINNING of this description; thence continuing along the west line of said quarter section and the west line of the Southwestern Indiana Mental Health Center parcel South 01 degree 07 minutes 41 seconds West 316.19 feet to the southwest corner of said Mental Health Center parcel; thence along the south line of said Mental Health Center parcel South 87 degrees 34 minutes 27 seconds East 599.96 feet; thence South 01 degree 07 minutes 36 seconds West 2072.09 feet to a point on the south line of the Northeast Quarter of said Section 26; thence along said south line North 88 degrees 46 minutes 29 seconds West 599.86 feet to the southeast corner of the Northwest Quarter of said Section 26; thence along the south line of said Northwest Quarter North 88 degrees 48 minutes 56 seconds West 2022.00 feet to a center punched railroad spike; thence North 01 degree 11 minutes 04 seconds East 556.00 feet to a 3/4 inch rebar with cap stamped BLA FIRM 0030, hereinafter referred to as 3/4 inch rebar; thence North 56 degrees 49 minutes 09 seconds East 40.07 feet to a 3/4 inch rebar; thence Northeasterly 641.79 feet along an arc to the left and having a radius of 3500.00 feet and subtended by a long chord having a bearing of North 51 degrees 33 minutes 58 seconds East and a length of 640.89 feet to a 3/4 inch rebar; thence North 46 degrees 18 minutes 47 seconds East 306.50 feet to a 3/4 inch rebar; thence South 43 degrees 41 minutes 13 seconds East 94.00 feet to a 3/4 inch rebar; thence North 46 degrees 18 minutes 47 seconds East 32.50 feet to a 3/4 inch rebar; thence Northeasterly 155.49 feet along an arc to the right and having a radius of 785.00 feet and subtended by a long chord having a bearing of North 51 degrees 59 minutes 14 seconds East and a length of 155.23 feet to a 3/4 inch rebar and being the point of intersection with a non-tangent line; thence South 76 degrees 15 minutes 26 seconds East

C
o
p
y



429.08 feet to a 3/4 inch rebar; thence North 13 degrees 44 minutes 34 seconds East 201.39 feet to a 3/4 inch rebar; thence South 76 degrees 15 minutes 26 seconds East 71.33 feet to a 3/4 inch rebar; thence Easterly, Northeasterly, and Northerly 109.96 feet along an arc to the left and having a radius of 70.00 feet and subtended by a long chord having a bearing of North 58 degrees 44 minutes 34 seconds East and a length of 98.99 feet to a 3/4 inch rebar; thence North 13 degrees 44 minutes 34 seconds East 248.11 feet to a 3/4 inch rebar; thence South 76 degrees 15 minutes 26 seconds East 125.50 feet to a 3/4 inch rebar; thence North 13 degrees 44 minutes 34 seconds East 131.01 feet to a center punched railroad spike; thence South 76 degrees 15 minutes 26 seconds East 32.23 feet to a 3/4 inch rebar; thence North 13 degrees 44 minutes 34 seconds East 71.72 feet to a 3/4 inch rebar; thence North 33 degrees 22 minutes 06 seconds East 127.79 feet to a 3/4 inch rebar; thence North 56 degrees 37 minutes 54 seconds West 30.50 feet to a 3/4 inch rebar; thence North 32 degrees 07 minutes 32 seconds East 232.29 feet to the southeast corner of the land described in a deed to the American Red Cross, Southwest Indiana Chapter recorded in Deed Drawer 13, Card 1819 in the office of said Recorder; thence along the east line of said American Red Cross parcel North 03 degrees 14 minutes 46 seconds East 263.43 feet to the aforescribed southern right-of-way line of State Road 66 (Lloyd Expressway); thence along said southern right-of-way line North 72 degrees 07 minutes 25 seconds East 28.66 feet to the point of beginning and containing 85.478 acres, more or less.

(v) Notwithstanding other provisions of this SECTION, the governor and the commissioner are authorized and directed on behalf of and in the name of the state of Indiana to convey to the Buffalo Trace Council of the Boy Scouts of America for occupancy by the Buffalo Trace Council to be used for educational and cultural purposes, all right, title, and interest of this state in the real estate that is part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the



C
o
p
y

point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the Office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence south 88 degrees 50 minutes 26 seconds east along the south right-of-way of State Road 66 376.20 feet; thence south 01 degrees 09 minutes 34 seconds west 267.05 feet; thence north 78 degrees 10 minutes 30 seconds west 382.81 feet; thence north 01 degrees 09 minutes 34 seconds east 196.20 feet to the point of beginning, containing 2.00 acres (87,137 square feet). Subject to an easement 25 feet in width along the west side for ingress and egress to the State Hospital complex.

The Buffalo Trace Council shall cooperate with phase I and phase II grantees on issues related to the parking of motor vehicles on phase I real estate, phase II real estate, or real estate described in this subsection.

(w) The governor and the commissioner of the Indiana department of administration are authorized and directed on behalf of and in the name of the state to convey to the Buffalo Trace Council of the Boy Scouts of America for ingress and egress to and from the property described in subsection (u) an easement in the real estate that is part of the Northwest Quarter of Section 26, Township 6 South, Range 10 West, in Vanderburgh County, Indiana, more particularly described as follows:

Commencing at the northeast corner of said quarter section; thence north 88 degrees 51 minutes 14 seconds west along the north line of said quarter section 1281.04 feet; thence south 01 degrees 09 minutes 34 seconds west 179.67 feet to the point of beginning, said point being on the south right-of-way of State Road 66 (as recorded in Deed Record 1, Card 20809 in the office of the Recorder of Vanderburgh County, Indiana) at the center of a 50 foot opening in the limited access right-of-way; thence continue south 01 degrees 09 minutes 34 seconds west 196.20 feet; thence north 78 degrees 10 minutes 30 seconds west 25.44 feet; thence north 01 degrees 09 minutes 34 seconds east 191.49 feet to a point on the south right-of-way line for State Road 66 and the west end of an opening in the limited access right-of-way previously described; thence south 88 degrees 50 minutes 26 seconds east along the south line of the State Road 66 right-of-way 25.00 feet to the point of beginning.



C
o
p
y

(x) Upon the taking effect of this SECTION, the commissioner of the Indiana department of administration shall have a deed prepared to convey to the Buffalo Trace Council of the Boy Scouts of America the real estate and easement described in subsections (v) and (w). The governor shall sign the deed. The deed shall be attested by the commissioner of the Indiana department of administration, who shall have the seal of the state affixed to the deed. The commissioner of the Indiana department of administration shall deliver the completed deed to the Buffalo Trace Council.

(y) The real estate described in subsections (v) and (w) revert to the state if any of the following apply:

- (1) The real estate is used for a purpose other than the purposes described in subsections (v) and (w).
- (2) The Buffalo Trace Council fails to use the real estate for a purpose described in subsection (v) or (w) before July 1, 2003.
- (3) The real estate is vacant or abandoned on or after July 1, 2003.

The provisions of this subsection shall be included in the deed.

(z) This SECTION expires July 1, 2006.

C
o
p
y



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

C
o
p
y

